

# ARKANSAS COURT OF APPEALS

Opinions delivered  
October 21, 2009

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LARRY D. VAUGHT, CHIEF JUDGE:

CACR09-240. Jeremy Jermane Hawkins v. State of Arkansas, from Ouachita Circuit. Affirmed. Gladwin and Marshall, JJ., agree.

JOHN MAUZY PITTMAN, JUDGE:

CACR09-495. Patsy Ann Jones v. State of Arkansas, from White Circuit. Affirmed. Kinard and Brown, JJ., agree.

CA09-241. Charles Wilson v. Cecil Smith and W&S Excavating, from Pulaski Circuit, First Division. Affirmed. Kinard and Brown, JJ., agree.

JOSEPHINE LINKER HART, JUDGE:

CACR08-737. Rodney Scott Reese v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Glover and Marshall, JJ., agree.

CACR09-506. Perry Dewayne Ray v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Glover, J., agrees. Pittman, J., concurs.

CA09-394. Wal-Mart Associates, Inc., and Claims Management, Inc. v. Lisa Ealey, from the Arkansas Workers' Compensation Commission. Affirmed. Pittman and Glover, JJ., agree.

ROBERT J. GLADWIN, JUDGE:

CACR08-572. William Dale Morrison v. State of Arkansas, from Crawford Circuit. Affirmed. Vaught, C.J., and Marshall, J., agree.

CA08-958. George E. Dove v. Patricia A. Dove, from Garland Circuit. Affirmed. Vaught, C.J., and Marshall, J., agree.

JOHN B. ROBBINS, JUDGE:

CACR08-1385. Edward Lee Carter v. State of Arkansas, from Garland Circuit. Affirmed. Kinard and Henry, JJ., agree.

CACR08-1453. James Edward Williams v. State of Arkansas, from Pulaski Circuit, Second Division. Affirmed. Marshall and Baker, JJ., agree.

CA08-1451. Troy L. Boudreaux v. Ann McNulty Boudreaux, from Pulaski Circuit, Seventeenth Division. Reversed and Remanded. Marshall, J., agrees. Baker, J., concurs.

CA09-5. Israh Littles v. Office of Child Support Enforcement and Lakesha Sheard, from Phillips Circuit. Reversed. Kinard and Henry, JJ., agree.

CA09-610. Amanda Thomsen v. Arkansas Department of Human Services, from Washington Circuit. Affirmed. Marshall and Baker, JJ., agree.

RITA W. GRUBER, JUDGE:

CACR09-93. Ansley Rodriguez Bonilla v. State of Arkansas, from Scott Circuit. Affirmed. Baker and Brown, JJ., agree.

CA09-27. Alecia Clark v. San Antonio Shoes, Inc., and Commerce & Industry Insurance Co., from the Arkansas Workers' Compensation Commission. Affirmed. Brown and Baker, JJ., agree.

DAVID M. GLOVER, JUDGE:

CACR08-1424. Kevin W. Payton v. State of Arkansas, from Jefferson Circuit. Affirmed. Pittman and Hart, JJ., agree.

D. P. MARSHALL JR., JUDGE:

CACR09-193. Loretta Bobbie Hodgson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Affirmed. Vaught, C.J., and Gladwin, J., agree.

CA07-1115. QHG of Springdale, Inc. v. Ernest Archer, M.D., from Washington Circuit. Reversed and Remanded on Direct Appeal; Reversed and Remanded on Cross-Appeal. Gladwin, Robbins, Kinard and Gruber, JJ., agree. Vaught, C.J., Pittman, Baker, and Brown, JJ., dissent.

COURTNEY HUDSON HENRY, JUDGE:

CA09-120. Cleo Watkins, Jr., and Brenda Watkins v. Southern Farm Bureau Casualty Insurance Company and Farm Bureau Mutual Insurance Company of Arkansas, Inc., from Pulaski Circuit, Sixth Division. Affirmed in Part; Reversed and Remanded in Part. Gladwin and Glover, JJ., agree.

CA09-468. Crishana Staley v. Arkansas Department of Human Services, from Mississippi Circuit, Osceola District. Affirmed. Robbins and Kinard, JJ., agree.

KAREN R. BAKER, JUDGE:

CACR09-285. Xzavier Arthur Butler v. State of Arkansas, from Pulaski Circuit, Fourth Division. Affirmed. Gruber and Brown, JJ., agree.

CA08-1073. Carlos Honeysuckle v. Curtis H. Stout, Inc., Valley Forge Insurance Co., Death & Permanent Total Disability Trust Fund, and Michael S. McCarthy, from the Arkansas Workers' Compensation Commission. Reversed. Robbins and Marshall, JJ., agree.

WAYMOND M. BROWN, JUDGE:

CA09-535. Michelle Henson v. Arkansas Department of Human Services and Minor Children, from Yell Circuit, Northern District. Affirmed. Gruber and Baker, JJ., agree.

**PER CURIAM ORDERS**

REHEARING DENIED: Petition for Rehearing was denied today in the following case.

CA09-197. Lorie Finley v. Perennial Healthcare Commerce and Industry Insurance Company, from Workers' Compensation Commission.

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CACR08-1064. Tyrone D. Thompson v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Charles E. Smith for attorney's fees is granted. Allowed \$1,000.00.

CACR08-1250. Kenneth Riley v. State of Arkansas, from Miller Circuit. Motion of Jeff Harrelson for attorney's fees is granted. Allowed \$1,400.00.

CACR09-69. Thomas Holloway v. State of Arkansas, from Crittenden Circuit. Motion of Bart Ziegenhorn for attorney's fees is granted. Allowed \$1,400.00.

CACR09-148. Joseph Wesley May v. State of Arkansas, from White Circuit. Motion of Kris M. Boyd for attorney's fees is granted. Allowed \$1,200.00.

CACR09-255. Scorpio Laron Carroll v. State of Arkansas, from Pulaski Circuit, Seventh Division. Motion of Kent Walker for attorney's fees is granted. Allowed \$1,400.00.

CACR09-549. Kelton Esquire Bond v. State of Arkansas, from Benton Circuit. Appellant's motion for extension of brief time is granted.

CACR09-549. Kelton Esquire Bond v. State of Arkansas, from Benton Circuit. Motion of Bryan Powell to be substituted as counsel for appellant is granted. Appellant's brief due within thirty days.

CACR09-880. Ramon Chavez v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Appellant's motion to supplement the record and to stay brief time is denied.

CACR09-1047. Antonio Hunt v. State of Arkansas, from Lonoke Circuit. Motion of Robert M. Golden to be relieved as counsel and for appointment of Caroline Winningham as counsel for appellant is granted.

CACR09-1057. Steven Cody v. State of Arkansas, from Clark Circuit. Motion of Robert Golden to be relieved as counsel and for appointment of Caroline Winningham as counsel for appellant is granted.

CA08-922. Daniel Hearne and Debra Hearne v. Diane Banks, from Sebastian Circuit, Fort Smith District. Appellee's motion for costs is moot. Costs of \$195.00 assessed on mandate.

CA08-1136. Whit Waller v. Mala Waller, from Pulaski Circuit, Seventeenth Division. Appellee's motion for attorney's fees and costs. Motion for fees denied. Costs of \$48.00 assessed on mandate.

CA08-1302. Terry Witt v. Allen & Son, Inc. et al., from Workers' Compensation Commission. Appellant's motion for attorney's fees is granted.

CA09-449. Jackie R. Shaver v. Land O' Frost, from Workers' Compensation Commission. Appellant's motion to correct the record and to stay brief time moot. Appellant's motion to withdraw motion to correct the record is granted.

CA09-538. Willie Hadley II v. Gulf States Toyota et al., from Pulaski Circuit, Third Division. Appellee's motion to dismiss appeal is granted.

CA09-676. Patsy Adele Long v. Fredye Long Alford et al., from Pulaski Circuit, Sixteenth Division. Appellees' motion to supplement the record is denied.

CA09-700. P. Rye Trucking, Inc. v. Pet Solutions, LLC, from Yell Circuit, Northern District. Appellant's motion to strike appellee's brief is denied. Appellant's reply brief due in 15 days.

CA09-777. Sandra Hobson v. Donald Holloway, from Prairie Circuit, Southern District. Appellee's motion for

supplementation of the record and for appellant's filing of substituted addendum. Remanded to the trial court to settle the record within thirty days. Appellant's substituted brief due within thirty days thereafter. Appellee may file substituted brief within fifteen days after filing of appellant's brief.

CA09-861. Mike Nobles v. Robbyn Tumey, from Sebastian Circuit, Fort Smith District. Appellant's motion to seal the record is granted. Redacted record due within fourteen days.

CA09-870. Peter Daniels, Jr. v. Daryl Davis, from Jefferson Circuit. Appellant's motion for additional time to file belated brief and motion to file belated brief are granted. Brief filed this date.

## MOTIONS SUBMITTED

### PETITION FOR REHEARING:

CA08-1256. Donna Hanna v. Burt Hanna, from Washington Circuit.

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CACR08-1501. Travis D. Taylor v. State of Arkansas, from Crittenden Circuit. Motion of Bart Ziegenhorn for attorney's fees.

CACR08-1508. Knight Michael Vorachith v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Barry D. Neal for attorney's fees.

CACR09-9. Leroy Stevenson v. State of Arkansas, from Craighead Circuit, Western District. Appellee's motion to file a belated return of writ of certiorari.

CACR09-45. Gregory A. Andrews v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Motion of Daniel Stewart for attorney's fees.

CACR09-194. Aaron Marcus Stigger v. State of Arkansas, from Cleveland Circuit. Motion of N. Mark Klappenbach for attorney's fees.

CACR09-249. Donald Thompson v. State of Arkansas, from Carroll Circuit, Eastern District. Appellee's motion to dismiss appeal.

CACR09-405. Larry Eugene Barker v. State of Arkansas, from Baxter Circuit. Appellant's motion to correct the record and to stay brief time.

CACR09-439. Joseph Stone, a/k/a Josiah Stone v. City of Fort Smith, from Sebastian Circuit, Fort Smith District. Appellant's pro se motion for extension of brief time.

CACR09-794. Carl Douglas Colburn v. State of Arkansas, from Benton Circuit. Motion of Bryan Powell for substitution as counsel for appellant and for brief time.

CACR09-905. Cedrick L. Mhoon v. State of Arkansas, from Pulaski Circuit, First Division. Appellant's motion to supplement the record.

CACR09-1020. Laquince Hogan v. State of Arkansas, from Little River Circuit. Motion of Michael D. Booker to be relieved as counsel and for appointment of counsel to represent appellant.

CA09-677. Tim Cassinger v. Poinsett County Rice & Grain, Inc., from Craighead Circuit, Western District. Appellee's motion to supplement the record and to reset briefing schedule.

CA09-757. Patricia Milner et al. v. Rex Edward Luttrell, M.D., from Dallas Circuit. Appellants' petition for writ of certiorari to correct the record and stay brief time.

CA09-796. Rita C. Williams v. Michael B. Williams, from Yell Circuit, Northern District. Appellant's motion for additional brief time.

CA09-830. Kevin Tull v. Tim Malaney, from Pulaski Circuit, Sixth Division. Motion of Cullen & Co., PLLC to withdraw as counsel for appellant.

CA09-896. Dillard's, Inc. et al. v. Elizabeth Johnson et al., from Workers' Compensation Commission. Appellee Second Injury Fund's motion to set separate briefing schedule.

CA09-923. C. Bean Transport, Inc. et al. v. William Justice, from Workers' Compensation Commission. Appellee's motion to dismiss appeal.

CA09-977. Steve Tallent v. Betty Brooks, from Pulaski Circuit, Sixth Division. Motion of Cullen & Co., PLLC to withdraw as counsel for appellant.

CA09-1089. Donna Leaf v. Arkansas Department of Human Services, from Ouachita Circuit. Appellant's motion to strike circuit court's handwritten notes from the record.

CA09-1108. Kathleen Lipps v. Robert Lipps, from Ouachita Circuit. Appellant's motion to supplement the record.

## SUBMISSIONS

CA08-640. Tasha Orr v. Stephen Hudson, M.D., from Faulkner Circuit. Argued orally November 11, 2009.

CACR08-793. Jeremy Michael Richie v. State of Arkansas, from Faulkner Circuit.

CACR09-256. Erskin M. Whitney v. State of Arkansas, from Sebastian Circuit, Fort Smith District.

CA08-945. Shelba McKinney v. Arkansas Cardiology, from Pulaski Circuit, Third Division.

CA08-1419. Mary Ann Kizer v. Dale Kizer, from Jefferson Circuit.

CA08-1443. Steven W. Lamb v. Norac, Inc., from Workers' Compensation Commission.

CA08-1449. Robert Maulding v. Price's Utility Contractors, Inc., from Workers' Compensation Commission.

CA08-1478. Tonya L. Merritt, Brenda Higgins, Guardian v. Bob Thornton, from Lonoke Circuit.

CA09-92. Arkansas Contractors Licensing Board v. Jag Enterprises, Inc., from Garland Circuit.

CA09-146. Kevin Konecny et al. v. Dwight E. Anderson et al., from Prairie Circuit, Southern District.

CA09-149. Kaedon Steinert d/b/a Hurricane Express, Inc., et al. v. Workers' Compensation Commission, from

Workers' Compensation Commission.

CA09-200. Cecil Martin et al. v. Kat's Bar & Grill, LLC, from Garland Circuit.

CA09-275. Judy Campbell v. Department of Workforce Education, from Workers' Compensation Commission.

CA09-323. Addison Shoe Company et al. v. Lavearn Moody, from Workers' Compensation Commission.

CA09-326. Howe Now, Inc. et al. v. Fishing University, LLC, from Sebastian Circuit, Fort Smith District.

CA09-338. Amanda Culhane, Estate of Erik D. Culhane, Deceased v. Oxford Ridge, LLC, et al. from Benton Circuit.

CA09-380. Sharon Carter v. Sandy Crawford, from Carroll Circuit, Western District.

CA09-391. Las Colinas International, Inc. v. Crosswood Associates, Inc., from Washington Circuit.

CA09-424. Douglas W. King v. City of Little Rock, from Workers' Compensation Commission.

CA09-432. Davine Parker v. Stant Manufacturing et al., from Workers' Compensation Commission.

CA09-472. Mack-Reynolds Appraisal Company v. Robert Morton, from Workers' Compensation Commission.

CA09-481. Steve Crawford v. Superior Industries, from Workers' Compensation Commission.

CA09-537. David Hickey v. Gardisser Construction, from Workers' Compensation Commission.

E08-176. Deborah D. Bergman v. Director et al., from the Arkansas Board of Review.